

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	Criminal No. 15-CR-10147
)	
LARRY BAILEY)	

**MOTION TO STRIKE DEFENDANT LARRY BAILEY’S PROPOSED
RELEASE CONDITIONS**

Now comes the defendant, Larry Bailey, represented by new counsel, and respectfully requests that this Court strike from the record Bailey’s previously filed “Proposed Release Conditions” filed by former counsel. In support thereof, Bailey asserts that at or around the time these conditions were filed, Bailey was in the process of retaining current counsel. As the conditions were proposed by previous counsel that has since withdrawn, Bailey requests that the release conditions proposed by preceding counsel be stricken from the record. Bailey also proposes conditions of release in place of the conditions proposed by counsel who has withdrawn.

Procedural Background

Bailey was arrested on June 18, 2015 pursuant to an arrest warrant and on the same date was ordered temporarily detained in accordance with 18 U.S.C. §3142(a)(3). After a hearing conducted on June 23, 2015, Bailey agreed to an order of voluntary detention without prejudice. This Court subsequently issued an order of voluntary detention. On August 17, 2015, Bailey’s former counsel electronically filed “Motion of Defendant Larry Bailey For Detention Hearing” requesting a detention hearing pursuant

to 18 U.S.C. §3142(f). On the same date, former counsel mailed the Proposed Released Conditions to Clerk Brendan Garvin and Assistant United States Attorneys Emily Cummings and Michael Crowley. Former counsel indicated in a cover letter enclosed with the Proposed Release Conditions that the Proposed Release Conditions could not be filed electronically because the document contained identifying information.

Proposed Conditions

Bailey seeks to strike the Proposed Release Conditions filed by former counsel and proposes the following conditions of release:

- (1) Bailey will post a thirty-thousand dollar (\$30,000.00) cash bond,
- (2) Bailey will be subject to electronic monitoring and report to Pretrial Services as directed.
- (3) Bailey will remain in the custody of one primary third-party custodian;
- (4) Bailey will have no contact with co-defendants in the present case except during joint meetings of defendants with their respective counsel to prepare for trial;
- (5) Bailey will have no contact with potential witnesses;
- (6) Bailey will not seek to obtain a passport;
- (7) Bailey will not possess a firearm or other dangerous weapon;
- (8) Bailey will refrain from excessive use of alcohol, refrain from the use of all controlled substances and be subjected to random drug testing;

CONCLUSION

Wherefore, Bailey respectfully requests that the conditions proposed by previous counsel be stricken from the record and that the above-outlined proposed conditions be imposed.

Respectfully Submitted,
LARRY BAILEY,
By his attorney,

/s/ Rosemary Scapicchio
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by complying with this Court's directives on electronic filing.

Dated: August 24, 2015

Signed: /s/ Rosemary Scapicchio